

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
(Greenbelt Division)

In re:	:	
	:	
DINA L. WILSON and	:	Case No. 04-1-7038-PM
JESSIE F. WILSON, JR.,	:	Chapter 13
Debtors.	:	
	:	

**TRUSTEE'S OBJECTION TO DEBTORS'
MODIFIED PLAN**

Timothy P. Branigan, trustee in the above-captioned case ("Trustee"), opposes the Debtors' Modified Plan dated September 10, 2009. For the reasons set forth in the Trustee's Objection to Debtors' Motion to Sell Real Property *Nunc Pro Tunc* (Docket #132), which is incorporated herein by reference, the plan requires a 100% distribution to all creditors. The Order Approving Sale Nunc Pro Tunc (Docket #135) entered June 20, 2008 modified the plan to require payment in full to all creditors. The Debtors received more than sufficient proceeds from the sale of the realty to pay all allowed claims in full. They failed to do so. The Debtors did not appeal the June 20 Order. The modified plan seeks an end around the Order. The Order is *res judicata* and the Debtors are barred from now seeking to evade the Order. The plan was first filed in this case on March 22, 2004. The Bankruptcy Code required the plan to be completed by March 22, 2009. It is too late to seek a modification at this time; any modification now is

precluded under section 1329 of the Bankruptcy Code. Accordingly, the case should be dismissed. The Debtors can deal with their creditors outside of bankruptcy as is their choice.

Respectfully submitted,

September 15, 2009

/s/ Timothy P. Branigan
Timothy P. Branigan (Fed. Bar No. 06295)
Chapter 13 Trustee
P.O. Box 1902
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Certificate of Service

I hereby certify that, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the foregoing pleading to be sent on September 15, 2009 by first-class U.S. mail, postage prepaid to:

Dina and Jesse Wilson
608 N. Fourth Street
Lavale, MD 21502

Terri Lowery, Esq.
323 Paca Street
Cumberland, MD 21502

/s/ Timothy P. Branigan
Timothy P. Branigan (Fed. Bar No. 06295)